

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

LAWRENCE D. LIEBER,  
Defendant and Counterclaimant.

Case No.: 1:21-cv-7955-LAK  
and consolidated cases  
21-cv-7957-LAK and 21-cv-7959-LAK

Hon. Lewis A. Kaplan

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT**

Oral Argument Requested

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

KEITH A. DETTWILER, in his capacity as  
Executor of the Estate of Donald L. Heck,  
Defendant and Counterclaimant.

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

PATRICK S. DITKO, in his capacity as  
Administrator of the Estate of Stephen J.  
Ditko,

Defendant and Counterclaimant.

**PLEASE TAKE NOTICE** that upon the attached Memorandum of Law in Support of Marvel Characters, Inc.'s Motion for Summary Judgment and Local Rule 56.1 Statement of Material Facts As To Which There Is No Genuine Issue To Be Tried, and the accompanying declarations of Molly M. Lens, Eli Bard, and Roy Thomas, and the exhibits to each, Plaintiff and Counterclaim-Defendant Marvel Characters, Inc. hereby moves the Court, before the Honorable Lewis A. Kaplan, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment in its favor as to the Complaint and the Counterclaim in their entirety, and for such other and further relief as this Court may deem just and proper.

Dated: May 19, 2023

**O'MELVENY & MYERS LLP**

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

Daniel M. Petrocelli\*  
dpetrocelli@omm.com  
Molly M. Lens  
mlens@omm.com  
Matthew Kaiser\*  
mkaiser@omm.com  
1999 Avenue of the Stars, 8<sup>th</sup> Floor  
Los Angeles, California 90067  
Telephone: (310) 553-6700

Allen Burton  
aburton@omm.com  
Danielle Feuer  
dfeuer@omm.com  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000

\* Admitted *pro hac vice*

*Attorneys for Marvel Characters, Inc.*